

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IRENA K. MAUSNER, <i>individually and as trustee of the</i>	:	:
<i>Irena K. Mausner Revocable Trust U/A/D May 16, 2022,</i>	:	:
	:	:
Plaintiff,	:	23-CV-994 (JMF)
	:	
-v-	:	<u>ORDER</u>
	:	
IAN O. MAUSNER,	:	
	:	
Defendant.	:	
	:	
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JESSE M. FURMAN, United States District Judge:

On December 4, 2023, Plaintiff moved to stay discovery and for leave to file an early motion for summary judgment, arguing that there is already “overwhelming evidence” of Defendant’s liability. ECF No. 74, at 1. On December 11, 2023, Defendant filed a letter opposing Plaintiff’s motion insofar as it seeks to stay discovery. *See* ECF No. 76. Defendant argues that staying discovery would force Defendant to “confront [Plaintiff’s] allegations without ever testing them through cross-examination aided by sworn interrogatory responses and relevant documents in [Plaintiff’s] possession.” *Id.* at 3.

Upon reflection, the Court concludes that the right balance in these circumstances is to allow Plaintiff to file an early motion for summary judgment, but not to stay discovery. While the Court understands Plaintiff’s desire to avoid “unnecessary discovery,” ECF No. 74, at 2, the Court finds some merit in Defendant’s argument that there is still fruitful discovery to be made, especially as to Defendant’s defenses and the amount of damages, *see* ECF No. 76, at 4-5. And in any case, the Court believes that it would be more prudent to let discovery run its course in case Plaintiff’s anticipated motion for summary judgment does not end (or significantly simplify)


the case. As for Defendant's concern that he would not have enough evidence to oppose any early motion for summary judgment, Defendant may seek appropriate relief by filing an affidavit or declaration pursuant to Rule 56(d) of the Federal Rules of Civil Procedure.

In light of the foregoing, Plaintiff shall file any motion for summary judgment by **January 19, 2024**. Defendant's opposition is due **within 30 days of the date of the motion**, and Plaintiff's reply **within two weeks thereafter**.

The Clerk of Court is directed to terminate ECF No. 74.

SO ORDERED.

Dated: December 12, 2023
New York, New York



JESSE M. FURMAN
United States District Judge